

Message Text

CONFIDENTIAL

PAGE 01 MONTEV 00237 01 OF 02 201501Z

ACTION ARA-14

INFO OCT-01 ISO-00 HA-05 AID-05 CIAE-00 DODE-00 PM-05

H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 IO-13 MCT-01 /085 W

-----080909 201558Z /43

P R 201400Z JAN 78

FM AMEMBASSY MONTEVIDEO

TO SECSTATE WASHDC PRIORITY 5664

INFO AMEMBASSY ASUNCION

C O N F I D E N T I A L SECTION 1 OF 2 MONTEVIDEO 0237

E.O. 11652: GDS

TAGS: SHUM, OAS, UY

SUBJ: THE GOU'S PERCEIVED PROBLEMS WITH THE INTER-AMERICAN
HUMAN RIGHTS COMMISSION (IAHRC)

REF: A) 77 STATE 143416 (NOTAL) B) MONTEVIDEO 104

C) MONTEVIDEO 0227

1. SUMMARY. THE LIST OF THE GOU'S PERCEIVED PROBLEMS WITH THE IAHRC IS LONG, AND CONCERNS BOTH PROCEDURAL/LEGAL AND SUBSTANTIVE ISSUES, CIMPLICATED BY PERSONALITY CONFLICTS WHICH HAVE ARISEN DURING THE ACRIMONIOUS EXCHANGES OF THE PAST YEAR. WHAT THE GOU SEES AS THE "ISSUES" DO NOT APPEAR TO BE INSURMOUNTABLE OBSTACLES TO AN AGREEMENT BETWEEN THE TWO PARTIES. WITH GOOD WILL AND CALM AND REASONED DISCUSSION, THE ISSUE COULD BE RESOLVED. END SUMMARY.

2. THE GOU'S PERCEIVED PROBLEMS WITH THE IAHRC, EXPRESSED PUBLICLY IN SUCH FORA AS THE VII OAS GA IN GRENADA (REF A), AND IN RECENT PRIVATE CONVERSATIONS WITH EMBASSY OFFICIALS (REFS B AND C), CAN BE ARBITRARILY DIVIDED INTO THREE BROAD GROUPINGS, AS FOLLOWS:

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MONTEV 00237 01 OF 02 201501Z

A. PROCEDURAL/LEGAL.

1. REFORM OF THE IAHRC IS NEEDED, WITH NEW PROCEDURAL STANDARDS AND SAFEGUARDS REQUIRED TO REAGULATE MORE CLOSELY THE WORK OF THE IAHRC, WHICH HAS BEEN GUILTY OF NUMEROUS PROCEDURAL ERRORS.

2. THE GOU HAS COMPLIED WITH ALL REQUESTS FOR INFORMATION FROM THE IAHRC WHICH THAT BODY IS PERMITTED BY ITS STATUTES TO MAKE. HOWEVER, THE GOU WILL NOT FURNISH CERTAIN DOCUMENTS (SUCH AS COPIES OF AUTOPSY REPORTS ON PERSONS ALLEGED TO HAVE DIED IN DETENTION) WHICH IT IS NOT OBLIGATED TO SUBMIT. A LIMITED NUMBER OF OTHER DOCUMENTS CANNOT BE PROVIDED FOR REASONS OF INTERNAL SECURITY.

3. THE IAHRC HAS NEVER ANSWERED VARIOUS QUESTIONS POSED ON VARIOUS OPPORTUNITIES BY THE GOU.

4. IAHRC REPORTS SHOULD NOT BE PREPARED BY OUTSIDE CONSULTANTS (AS WAS THE REPORT ON URUGUAY).

5. THE IAHRC NEVER FORMALLY REQUESTED A VISIT IN LOCO AS REQUIRED BY ITS STATUTES BUT, INSTEAD, ASKED TO BE INVITED TO URUGUAY, AN UNHEARD OF PROCEDURE.

6. THE IAHRC INVESTIGATION OF URUGUAY WAS NEVER APPROVED BY A FULL COMMISSION VOTE, AS REQUIRED BY THE STATUTES, BUT WAS UNDERTAKEN ON THE SOLE INITIATIVE OF COMMISSION CHAIRMAN AGUILAR.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MONTEV 00237 01 OF 02 201501Z

B. SUBSTANTIVE.

1. THE IAHRC DOES NOT UNDERSTAND THE GRAVITY OF THE MASSIVE SUBVERSIVE THREAT FACED IN THE PAST AND STILL FACED (IN LESSENERED FORM) BY THE GOU, NECES-SITATING "WARTIME" MEASURES FOR THE DEFENSE OF THE REPUBLIC.

2. HUMAN RIGHTS AND TERRORISM MUST BE CONSIDERED JOINTLY; SUBVERSION AND TERRORISM ARE SPREADING DAILY AND MUST BE DEALT WITH COURAGEOUSLY.

3. THE IAHRC NEVER RAISED ITS VOICE WHEN URUGUAY WAS UNDER SUBVERSIVE ATTACK, AND THE HUMAN RIGHTS OF ITS CITIZENS WERE VIOLATED ON A DAILY BASIS.

4. THE IAHRC ALLEGED THERE HAD BEEN GRAVE AND REPEATED VIOLATIONS OF HUMAN RIGHTS BY THE GOU, BUT FAILED TO PROVE ANY. THUS, THERE IS NO LEGAL OR MATERIAL JUSTIFICATION FOR AN INSPECTION IN LOCO WHICH IS AN EXCEPTIONAL MEASURE.

5. CHARGES OF HUMAN RIGHTS VIOLATIONS BY
THE GOU ARE THE RESULT OF AN INTERNATIONAL MARXIST-
LENINIST CAMPAIGN.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 MONTEV 00237 02 OF 02 201551Z
ACTION ARA-14

INFO OCT-01 ISO-00 HA-05 AID-05 CIAE-00 DODE-00 PM-05
H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01
SP-02 SS-15 USIA-06 IO-13 MCT-01 /085 W
-----081791 201558Z /43

P R 201400Z JAN 78
FM AMEMBASSY MONTEVIDEO
TO SECSTATE WASHDC PRIORITY 5665
INFO AMEMBASSY ASUNCION

C O N F I D E N T I A L SECTION 2 OF 2 MONTEVIDEO 0237

6. THE HUMAN RIGHTS ISSUE HAS BECOME
HEAVILY POLITICIZED, AND SOME OAS MEMBER STATES HAVE
BASED THEIR ACCUSATIONS AGAINST URUGUAY NOT ON COMITY
OR INTERNATIONAL LAW, BUT ON POLITICAL CONSIDERATIONS.

7. THE IAHC, BY ACTING IN A MANNER INCON-
SISTENT WITH ITS STATUTES, IS INTERVENING ILLEGALLY
IN THE INTERNAL AFFAIRS OF SOVEREIGN STATES.

8. THE IAHC HAS WISHED TO CONVERT ITSELF
INTO A SUPRA-NATIONAL JUDGE AND JURY, WITH THE HEMIS-
PHERE'S NATIONS THE DEFENDANTS, AN UNACCEPTABLE POSITION.

9. IN ITS ACTIONS AFFECTING URUGUAY, THE
IAHC HAS SHOWN ITSELF TO BE PARTIAL, SUBJECTIVE,
UNJUST, AND IN ERROR. THE GOU ASKS THE IAHC TO
RECOGNIZE THE ERRORS CONTAINED IN ITS REPORT, SURELY
INADVERTENT OR RESULTING FROM A LACK OF INFORMATION,
AND TO GIVE SATISFACTION TO THE GOU, DEMONSTRATING A
CONCRETE AND POSITIVE NEW ATTITUDE.

C. PERSONALITIES.

THE GOU CONSIDERS THAT IAHC CHAIRMAN AGUILAR
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MONTEV 00237 02 OF 02 201551Z

IS NOT AN OBJECTIVE AND IMPARTIAL JUDGE, BUT RATHER
FOLLOWS THE BIASED

DICTATES OF THE VENEZUELAN GOVERN-
MENT, WHICH HAS CONSISTENTLY INSULTED AND AKEN THE
LEAD IN ATTACKING THE GOU IN VARIOUS FORA. (THE TWO
COUNTRIES DO NOT MAINTAIN DIPLOMATIC RELATIONS.)
MOREOVER, AGUILAR CONDUCTS COMMISSION BUSINESS FROM
CARACAS, RATHER THAN IN WASHINGTON AS IS PROPER.
THEREFORE, THE GOU STRONGLY DESIRES AGUILAR'S RE-
PLACEMENT AS CHAIRMAN DURING THE FORTHCOMING VIII
OASGA. IMPORTANT ELEMENTS IN THE NEW GOU MILITARY
LEADERSHIP DO, HOWEVER, APPEAR TO RECOGNIZE THAT THE
PERSONALITIES OF CERTAIN KEY FIGURES ON THE URUGUAYAN
SIDE (SUCH AS FOREIGN POLICY DIRECTOR ALVARO
ALVAREZ) RAISE HACKLES IN THE IAHR, AS WELL.

3. COMMENT: THE GOU'S COMPLAINTS AGAINST THE IAHR
ARE NUMEROUS AND VARIED. MANY, ESPECIALLY IN THE
"SUBSTANTIVE" CATEGORY, SEEM TO BE LARGELY RHETORICAL
RESTATEMENTS OF GOU POSITIONS, WHICH ARE DISCORDANT
BUT DO NOT NECESSARILY HAVE TO BE HARMONIZED WITH
THE IAHR. IN PUBLIC STATEMENTS AND IN DISCUSSIONS
WITH EMBASSY OFFICERS (E.G. REFTELS B AND C), GOU
MILITARY AND CIVILIAN OFFICIALS HAVE EMPHASIZED ALLEGED
IAHR VIOLATIONS OF ITS STATUTES, THE ERRORS OF ITS
REPORT ON URUGUAY AND THE UNACCEPTABILITY OF CHAIRMAN
AGUILAR. WE, THEREFORE, REGARD THESE AS THE POINTS
ON WHICH THE GOU MUST OBTAIN, OR APPEAR TO OBTAIN, SOME
SATISFACTION IN NEGOTIATIONS TO PERMIT IT POLITICALLY
TO COOME TO TERMS WITH THE IAHR.

4. IF THE COMMISSION HAS VIOLATED ITS STATUTES, AL-
BEIT ONLY TECHNICALLY, WE HOPE IT WILL BE ABLE TO
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MONTEV 00237 02 OF 02 201551Z

CONCEDE THIS, WITH APPROPRIATE EXPLANATION. RE THE
REPORT ISSUE, WE SUGGEST THAT THE PARTIES MIGHT AGREE
THAT IT IS INADEQUATE (PARTICULARLY SINCE NO ON-SITE
INVESTIGATIONS WERE CONDUCTED), AND CONCLUDE THAT
BOTH THE REPORT AND THE GOU REPLY TO IT WILL BE
PIGEONHOLED; HOPEFULLT TO BE SUPERSEDED BY THE
MORE COMPREHENSIVE AND PRECISE REPORT THAT A VISIT
WOULD MAKE POSSIBLE. THE AGUILAR ISSUE IS PART OF
THE CLASH OF PERSONALITIES ON BOTH SIDES. IF THE
GOU, AS INDICATED IN THE PALADINI INITIATIVE, PHYSI-
CALLY REMOVES ITS CONTENTIOUS PERSONALITIES (ALVARO

ALVAREZ, ROCA AND ROVIRA) FROM THE RELATIONSHIP, WE
HOPE THE IAHRC MIGHT ALSO FIND SOME WAY TO KEEP
AGUILAR IN THE BACKGROUND, WITHOUT, OF COURSE,
REMOVING HIM FROM HIS POSITION. IN SUM, ALTHOUGH
FROM HERE WE DO NOT HAVE THE IAHRC VIEW, THE ISSUES
WHICH WE CONSIDER TO BE UP FRONT, AND PRESUMABLY THE
MOST IMPORTANT, DO NOT APPEAR TO BE INSURMOUNTABLE
OBSTACLES TO AN AGREEMENT. WE ARE OPTIMISTICALLY
INCLINED TO BELIEVE, THEREFORE, THAT, WITH GOOD WILL
ON BOTH SIDES AND CALM, REASONED DISCUSSIONS, THE
IMPASSE BETWEEN URUGUAY AND THE IAHRC CAN BE RESOLVED
SATISFACTORILY.
PEZZULLO

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MONTEV00237
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780031-0071
Format: TEL
From: MONTEVIDEO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780140/aaaabhvp.tel
Line Count: 237
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: f31fc7e1-c288-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 STATE 143416, 78 MONTEVIDEO 104
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 01 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3741313
Secure: OPEN
Status: NATIVE
Subject: THE GOU'S PERCEIVED PROBLEMS WITH THE INTER-AMERICAN HUMAN RIGHTS COMMISSION (IAHRC)
TAGS: SHUM, UY, OAS
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/f31fc7e1-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014